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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,546

Applicant(s)

KEEVER ET AL.

Examiner

Philip J Chea

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 2153

DETAILED ACTION

Claims 1-63 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 3/25/02 was filed after the mailing date on 4/4/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 21 recites the limitation "the at least one router" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 1 can be directed toward a group of people talking to each other in a room, where the room is the communication channel and once the door is closed it is exclusive to the members of the group.

Art Unit: 2153

Communication can be initiated without calling out identification numbers of the people in the group. Therefore, since the claim can be read on a group of people talking to each other in a room, it is non-statutory.

Claims 2-10 are rejected because they are directed to an abstract idea and further fail to show a technological art, environment or machine.

Amending the claims to require that the communication be implemented through a hardware device would obviate this rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandon et al. (US 5,551,063).

As per claim 1, Brandon et al. disclose a method for communication, as claimed, comprising:

- identifying a group of selected members (see column 2, lines 7-20, where group is identified by central controller);
- assigning the members of the group to a communication channel, wherein the communication channel is exclusive to the members of the group (see column 2, lines 55-67, where exclusive channel is assigned by the central controller);
- initiating communication without entering an identification number corresponding to the recipient of the communication (see column 3, lines 1-17, where once exclusive channel is assigned, communication may take place between radio #1 and radio #2); and

Art Unit: 2153

- communicating between members of the group over the exclusive communication channel (see column 3, lines 31-38, where ongoing conversation implies that there is communication between members of the group).

As per claim 2, Brandon et al. further disclose identifying a group of user node devices (see column 2, lines 7-20, where node devices are considered radios).

As per claim 3, Brandon et al. further disclose assigning members of the group to an exclusive communication channel dynamically (see column 2, lines 55-67, where central control assigns an exclusive channel by assigning one of the repeaters which may not be the same one used next time implying a dynamic selection of channels).

As per claim 4, Brandon et al. further disclose communicating voice messages (see column 2, lines 7-20, where repeaters can be a voice/data channel).

As per claim 5, Brandon et al. further disclose communicating data messages (see column 2, lines 7-20, where repeaters can be a voice/data channel).

As per claim 7, Brandon et al. further disclose changing members of the group (see column 3, lines 39-67).

8. Claims 11,12,13,15-34,37-39,41-45,47,49-55,57-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Chuang (US 5,987,421).

As per claim 11, Chuang discloses a communication system, as claimed, comprising:

- at least two user node devices (see column 8, lines 40-60, parents GID device and their children's GID device); and
- at least one device to dynamically assign an exclusive communication channel for the at least two user node devices (see column 8, lines 40-60, where the CCS links a group of GID devices together so they can communicate to each other).

As per claim 12, Chuang further discloses at least one access point to communicate with at least one user node device (see column 11, lines 48-50, where access point is considered ISSU).

Art Unit: 2153

As per claim 13, Chuang further discloses at least one router to communicate with at least one user node device (see column 11, lines 48-50, where router is considered ISSU transmitting and receiving wireless signals).

As per claim 15, Chuang further discloses a programmer to program identification information (see column 10, lines 6-20).

As per claim 16, Chuang further discloses at least one display device to indicate the location of at least one user node device (see column 12, lines 1-11).

As per claim 17, Chuang further discloses at least one of the at least one access point includes a router (see column 11, lines 48-50, where ISSU is considered the router).

As per claim 18, Chuang further discloses at least one router to communicate with the at least one access point (see column 11, lines 54-65).

As per claim 19, Chuang further discloses that the at least one access point communicates with at least one access point (see column 11, lines 54-65).

As per claim 20, Chuang further discloses at least one access point communicating with at least one router (see column 11, lines 54-65).

As per claim 21, Chuang further discloses a router that communicates with at least one router (see column 11, lines 54-65).

As per claim 22, Chuang further discloses that the at least one display device is coupled to at least one of the at least two user node devices (see Fig. 2 [16]).

As per claim 23, Chuang further discloses that the at least one display device is external to at least one of the at least two user node devices (see Fig. 2 [16], where the message is displayed externally on the device).

As per claim 24, Chuang further discloses that the at least one router communicates with at least one user node device (see column 11, lines 54-65, where router is considered the ISSU, which communicates with the node device GID).

Art Unit: 2153

As per claim 25, Chuang further discloses that at least one access point communicates with at least one user node device (see column 11, lines 54-65, where access point is considered the ISSU, which communicates with the node device GID).

As per claims 26 and 43, Chuang discloses a user node device comprising:

- an access device to communicate over a communication channel (see Fig. 2); and
- a group identification device coupled with the access device to be used by an assigner device and a communication device, wherein the assigner device assigns the user node device to a user defined group of member user node devices which has a corresponding exclusive communication channel solely for the members of the user defined group (see column 8, lines 40-60, where the CCS links a group of GID devices together so they can communicate to each other), and wherein the communication device excludes any user node devices which are not members of the user defined group from communicating over the exclusive communication channel and enables the members of the user defined group to communicate over the exclusive communication channel (see column 8, lines 40-60, where linking implies that only the GIDs in the group are able to communicate with each other);
 - [claim 43] a user input device to create messages to be transmitted by the transceiver (see column 9, lines 4-21); and
 - [claim 43] a user output device to present information received by the transceiver to a user (see column 9, lines 4-21 and Fig. 2).

As per claim 27, Chuang further discloses a user input device (see column 9, lines 4-21).

As per claim 28, Chuang further discloses a device to initiate and terminate capturing of information to be transmitted (see column 9, lines 31-48, where initiation is considered a message sent to all GID devices and terminate capturing is considered pressing the stop button).

As per claim 29, Chuang further discloses a user output device (see column 9, lines 4-21 and Fig. 2).

Art Unit: 2153

As per claim 30, Chuang further discloses a location device (see column 8, lines 40-60).

As per claim 31, Chuang further discloses that the access device is a transmitter (see column 11, lines 48-65).

As per claim 32, Chuang further discloses that the access device is a receiver (see column 11, lines 48-65).

As per claim 33, Chuang further discloses that the access device is a transceiver that includes a receiver and a transmitter (see column 11, lines 48-65).

As per claim 34, Chuang further discloses a programmable identification (see column 10, lines 6-20, where ARS links GIDs together).

As per claim 37, Chuang further discloses that the user input device is a keypad (see Fig. 2 [14]).

As per claim 38, Chuang further discloses that the user output device is a speaker (see column 9, lines 42-47).

As per claim 39, Chuang further discloses that the user output device is a display device (see Fig. 2 [16]).

As per claim 41, Chuang further discloses that the display device displays location information (see column 12, lines 1-11).

As per claim 42, Chuang further discloses that the display device displays text messages (see column 12, lines 1-11).

As per claim 44, Chuang further discloses a location device (see column 12, lines 1-11).

As per claim 45, Chuang further discloses a button to initiate and terminate capturing of information to be transmitted (see column 9, lines 31-48, where initiation is considered a message sent to all GID devices and terminate capturing is considered pressing the stop button).

As per claim 47, Chuang further discloses that the user output device is a speaker (see column 9, lines 42-47).

As per claim 49, Chuang further discloses a programmable identification (see column 10, lines 6-20, where ARS links GIDs together).

Art Unit: 2153

As per claim 50, Chuang further discloses that the access device is a transceiver (see column 11, lines 48-65).

As per claim 51, Chuang further discloses that the access device is a receiver (see column 11, lines 48-65).

As per claim 52, Chuang further discloses that the access device is a transmitter (see column 11, lines 48-65).

As per claim 53, Chuang further discloses a device to disable the user input device (see column 10, lines 29-36, where returning the GID implies temporarily disabling the GID device input until it is linked with a new group).

As per claim 54, Chuang further discloses a device to disable the user output device (see column 10, lines 29-36, where returning the GID implies temporarily disabling the GID device output until it is linked with a new group).

As per claim 55, Chuang discloses an apparatus for channel assignment comprising:

- a grouping device to select a plurality of user node devices as members of an exclusive group (see column 10, lines 6-11, where the number of members of the group is entered into the ARS).
- a channel assignment device to assign the members of the selected exclusive group to an exclusive communication channel (see column 10, lines 14-20, where ARS links the GID in order to communicate on the same channel).

As per claim 57, Chuang further discloses a programmer to program a group identification information into at least one of the plurality of member user node devices of the exclusive group (see column 10, lines 14-20).

As per claim 58, Chuang further discloses a computer coupled with the grouping processor (see column 7, lines 19-46, where grouping processor is ARS).

Art Unit: 2153

As per claim 59, Chuang further discloses a member list including identification information of the member user node devices of the group (see column 10, lines 6-17, where the list is implied since ARS relays the identification numbers to the CCS).

As per claim 60, Chuang further discloses that the member list is used by a communication device to allow communication between member user node devices and to prohibit communication between member user node devices and non-member user node devices (see column 10, lines 6-20, where it is implied that after linking GIDs in a group, communication is supposed to occur only between the linked devices).

As per claim 61, Chuang discloses a computer-readable medium having stored thereon a sequence of instructions, the sequence of instructions including instructions which, when executed by a processor, causes the processor to perform:

- identifying a group of selected members (see column 10, lines 6-11, where the number of members of the group is entered into the ARS).
- assigning the member of the group to a communication channel, wherein the communication channel is exclusive to the members of the group (see column 10, lines 14-20, where ARS links the GID in order to communicate on the same channel).

As per claim 62, Chuang further discloses forming a user defined group list relating to each member of the user defined group (see column 10, lines 6-17, where the list is implied since ARS relays the identification numbers to the CCS).

As per claim 63, Chuang further discloses storing the user defined group list (see column 10, lines 6-17, where the list is implied since ARS relays the identification numbers to the CCS).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2153

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6,9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al. as applied to claims 1 and 4 above, and further in view of Chuang (US 5,987,421).

As per claim 6, although the system disclosed by Brandon et al. shows substantial features of the claimed invention (discussed above), it fails to disclose communicating location information.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brandon et al., as evidenced by Chuang.

In an analogous art, Chuang discloses transmitting location information about a child that is being tracked by a parent using handheld devices (see column 8, lines 40-60).

Given the teaching of Chuang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brandon et al. by employing tracking abilities, such as disclosed by Chuang, in order to locate children in settings such as an amusement park (see Chuang column 8, lines 8-22).

As per claim 9, although the system disclosed by Brandon et al. shows substantial features of the claimed invention (discussed above), it fails to disclose communicating location information on a separate channel from the channel used to communicate voice messages between the members of the group.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brandon et al., as evidenced by Chuang.

In an analogous art, Chuang discloses receiving communicating location information via a text message which implies a data channel set up to deliver the text message (see column 12, lines 1-11).

Given the teaching of Chuang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brandon et al. by employing a separate channel to deliver location information, such as disclosed by Chuang, in order to have text messages conveniently displayed and accessed at your will.

Art Unit: 2153

As per claim 10, Brandon et al. in view of Chuang further disclose sending location information to an external display device (see Chuang columns 11 and 12, lines 48-67 and 1-11).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al. as applied to claim 1 above, and further in view of Siep et al. (US 5,740,363).

Although the system disclosed by Brandon et al. shows substantial features of the claimed invention (discussed above), it fails to disclose

- identifying a subset of the group of the selected members, wherein the number of members in the subset is less than the number of members in the group of selected members.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brandon et al., as evidenced by Siep et al.

In an analogous art, Siep et al. disclose communicating between devices in a group on an exclusive channel (see Fig. 1) and further identifying a subset of a group less than the number of members in a group of selected members (see column 4, lines 15-24).

Given the teaching of Siep et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brandon et al. by communicating messages to a selective subset of a group, such as disclosed by Siep et al., in order to keep information intended for particular people private.

In addition, Brandon et al. suggests assigning members of a group to a communication channel, wherein the communication channel is exclusive to the members of the group (see column 2, lines 55-67).

12. Claims 14,35,48, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang as applied to claims 11,26,43, and 55 above, and further in view of Giraldin et al. (US 2002/0080198).

As per claims 14 and 56, although the system disclosed by Chuang shows substantial features of

Art Unit: 2153

the claimed invention (discussed above), it fails to disclose a bar code scanner to assign an exclusive channel.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chuang, as evidenced by Giralдин et al.

In an analogous art, Giralдин et al. disclose a group communicating on an exclusive channel using a bar scanner to create a group and later allow the group to locate each other (see page 4, paragraphs [0061]-[0064]).

Given the teaching of Giralдин et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chuang by employing a bar code scanner to scan in identification of a group, such as disclosed by Giralдин et al., in order to easily receive information about the individual from a database after scanning the bar code attached to them.

As per claims 35 and 48, although the system disclosed by Chuang shows substantial features of the claimed invention (discussed above), it fails to disclose that the group identification device includes a bar code.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chuang, as evidenced by Giralдин et al..

In an analogous art, Giralдин et al. disclose a group communicating on an exclusive channel using an identification device that includes a bar code (see page 4, paragraphs [0061]-[0064]).

Given the teaching of Giralдин et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chuang by employing a group identification device that includes a bar code, such as disclosed by Giralдин et al., in order to easily receive information about the individual from a database after scanning the bar code attached to them.

13. Claims 36 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang as applied to claims 27 and 43 above, and further in view of Brandon et al. (US 5,551,063).

Although the system disclosed by Chuang shows substantial features of the claimed invention (discussed above), it fails to disclose that the user input device is a microphone.

Art Unit: 2153

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chuang, as evidenced by Brandon et al.

In an analogous art, Brandon et al. disclose a group of devices communicating on an exclusive channel where the input device is a microphone (see column 2, lines 7-20 and 55-67).

Given the teaching of Brandon et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chuang by employing a microphone as an input device, such as disclosed by Brandon et al., in order to speak to the individuals in a group over the communication channel.

14. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang as applied to claim 33 above, and further in view of Official Notice.

Although the system disclosed by Chuang shows substantial features of the claimed invention (discussed above), it fails to disclose that the transceiver is an IEEE 802.11(b) standard compliant transceiver.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chuang due to Official Notice.

Chuang discloses a wireless transceiver (see column 8, lines 10-15). A person having ordinary skill in the art would have readily recognized the desirability and advantages of using an IEEE standard such as 802.11(b) in order to transmit data wirelessly at a up to 4Mbps.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Theimer; Marvin M. et al.	US 5493692 A
Jung; Hae Kwan et al.	US 6097949 A
Morriss, Matthew J.	US 20020174248 A1
Russell; Paul Grady et al.	US 6636175 B2

Art Unit: 2153

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 1/19/05

Bradley Edelman
Art Unit 2153